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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AUG 3 2010

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY

[Signature]

IN THE MATTER OF THE APPLICATION
OF NEXTGEN COMMUNICATIONS, INC.
FOR APPROVAL OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE PRIVATE LINE AND ACCESS
TELECOMMUNICATION SERVICES.

DOCKET NO. T-20722A-10-0026

PROCEDURAL ORDER

BY THE COMMISSION:

On January 28, 2010, NextGen Communications, Inc. ("NextGen" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide private line and access telecommunication services in Arizona and requesting that its proposed services be classified as competitive.

On February 10, 2010, Staff issued its first Set of Data Requests. NextGen responded with the required information on March 17, 2010.

On March 22, 2010, Staff issued its Second Set of Data Requests and NextGen filed its response on March 29, 2010.

On June 16, 2010, NextGen filed revised tariff pages and additional responses to the Staff's Data Request.

On July 15, 2010, Staff filed a Staff Report recommending approval of NextGen's application.

On July 19, 2010, a Procedural Order was issued scheduling the hearing in this matter for September 27, 2010, and establishing other procedural deadlines.

On July 27, 2010, NextGen filed a Motion for an Extension of Time ("Motion") to publish notice of the application. The Motion states that NextGen requires an additional 60 days to publish notice because NextGen desires to provide its proposed services throughout Arizona therefore making the notice process more complex. The Motion also requests that the hearing date and other

1 associated deadlines be reset.

2 NextGen's Motion is reasonable and should be granted.

3 IT IS THEREFORE ORDERED the hearing scheduled on September 27, 2010, shall be
4 continued to December 2, 2010, at 10:00 a.m., or as soon thereafter as is practicable, at the
5 Commission's Offices, 1200 West Washington Street, Room 100, Phoenix, Arizona.

6 IT IS FURTHER ORDERED that NextGen shall publish notice of the application and the
7 hearing date, as stated below, in a newspaper(s) of general circulation in every county in Arizona in
8 which NextGen desires to provide service by October 4, 2010.

9 **IN THE MATTER OF THE APPLICATION OF NEXTGEN**
10 **COMMUNICATIONS, INC. FOR APPROVAL OF**
11 **A CERTIFICATE OF CONVENIENCE AND NECESSITY**
12 **TO PROVIDE PRIVATE LINE AND ACCESS**
13 **TELECOMMUNICATION SERVICES.**
14 **(DOCKET NO. T-20722A-10-0026)**

15 On January 28, 2010, NextGen Networks, LLC ("NextGen" or "Company") filed
16 with the Arizona Corporation Commission ("Commission") an application for a
17 Certificate of Convenience and Necessity ("CC&N") to provide private line and
18 access telecommunication services in Arizona and requesting that its proposed
19 services be classified as competitive. The Commission's Utilities Division ("Staff")
20 has recommended approval of NextGen's application, subject to certain conditions.
21 The Commission will issue a Decision following consideration of testimony and
22 evidence presented at an evidentiary hearing. The Commission is not bound by the
23 proposals made by NextGen, Staff, or any intervenors. NextGen will be required to
24 provide service under the rates, charges, terms, and conditions established by the
25 Commission. Copies of the application, report of Staff, and any written exceptions
26 to the report of Staff filed by NextGen will be available at NextGen's offices
27 [insert address] and on the internet via the Commission website (www.azcc.gov)
28 using the e-docket function.

29 The Commission will hold a hearing on NextGen's application on **December 2,**
30 **2010, at 10:00 a.m., or as soon thereafter as is practicable,** at the Commission's
31 Offices, 1200 West Washington Street, Room 100, Phoenix, Arizona. Public
32 comments will be taken on the first day of the hearing. Written public comments
33 may be submitted via email (go to <http://www.azcc.gov/divisions/utilities/forms.asp>
34 for instructions) or by mailing a letter referencing Docket No. T-20722A-10-0026
35 to: Arizona Corporation Commission, Consumer Services Section, 1200 West
36 Washington Street, Phoenix, AZ 85007. If you require assistance, you may contact
37 the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

38 The law provides for an open public hearing at which, under appropriate
39 circumstances, interested parties may intervene. Any person or entity entitled by
40 law to intervene and having a direct and substantial interest in the matter will be
41 permitted to intervene. If you would like to intervene, you must file a written
42 motion to intervene with the Commission, and you must send copies of the motion
43 to NextGen or its counsel and to all parties of record in the case. Your motion to
44 intervene must contain the following:

1. The name, address and telephone number of the proposed intervenor and of any person upon whom service of documents is to be made if different from the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before November 8, 2010. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. If representation by counsel is required by Rules 31 and 38 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal at SABernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that NextGen shall file an Affidavit of Publication with the Commission no later than October 22, 2010.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene shall be filed by November 8, 2010.

IT IS FURTHER ORDERED that any objections to intervention(s) shall be filed by November 22, 2010.

IT IS FURTHER ORDERED that NextGen or any intervenors shall file specific disagreements/comments, if any, regarding the Staff Report or the application by November 22, 2010.

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law in Arizona and before the Commission and admission *pro hac vice* as previously ordered.

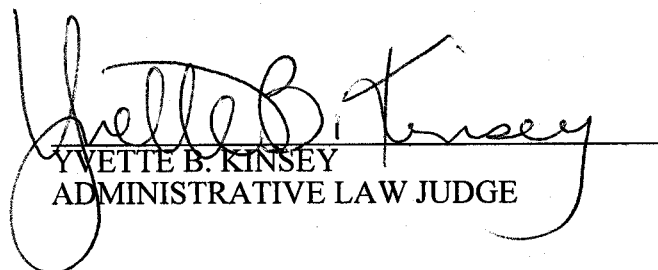
IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the

Rules of Arizona Supreme Court). Representation before the Commission includes appearance at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 3rd day of August, 2010.


YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 3rd day of August, 2010 to:


M. Elizabeth Nillen
STINSON MORRISON HECKER, LLP
1850 North Central Avenue, Suite 2100
Phoenix, AZ 85004
Attorneys for NextGen Communications, Inc.

Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

H. Russell Frisby
M. Denyse Zosa
STINSON MORRISON HECKER LLP
1150 18th Street N.W., Suite 800
Washington, DC 20036
Attorneys for NextGen Communications, Inc.

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1184

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

By: 
Debra Broyles
Secretary to Yvette B. Kinsey